

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

RICHARD C. ANAMANYA,  
Plaintiff,

v.

FEDERAL BUREAU OF PRISONS, et al.,  
Defendants.

CIVIL ACTION NO. 3:11-CV-1394

(Judge Kosik)

FILED  
SCRANTON

JAN 04 2012

**MEMORANDUM AND ORDER**

PER M. E. P.  
DEPUTY CLERK

AND NOW, THIS 4<sup>th</sup> DAY OF JANUARY, 2012, IT APPEARING TO THE  
COURT THAT:

(1) Plaintiff, Richard C. Anamanya, a prisoner confined at FCI- Oakdale, Oakdale, Louisiana, filed the instant Federal Tort Claims Act (FTCA) complaint on July 27, 2011, claiming that the Defendants were negligent when they failed to provide a sufficient number of guards to prevent an assault on him by another inmate while he was housed at USP- Lewisburg, Pennsylvania;

(2) The case was assigned to Magistrate Judge Martin C. Carlson;

(3) On January 3, 2012, Plaintiff filed a Notice of Voluntary Dismissal (Doc. 28), wherein he requests that the court voluntarily dismiss the action pursuant to Fed. R. Civ. P. 41(a);

(4) On January 3, 2012, the Magistrate Judge issued a Report and Recommendation (Doc. 29) wherein he concludes that Plaintiff should be permitted under Rule 41 to dismiss the action without further leave of court;

(5) The Magistrate Judge recommends that the Plaintiff's Complaint be dismissed and that the Defendant's Motion to Dismiss (Doc. 15) be dismissed as moot;

AND, IT FURTHER APPEARING THAT:

(6) We have reviewed the Magistrate Judge's Report and we agree with his Recommendation;

ACCORDINGLY, IT IS HEREBY ORDERED THAT:

(1) The Report and Recommendation of Magistrate Judge Martin C. Carlson dated January 3, 2012 (Doc. 29) is **ADOPTED**;

(2) The plaintiff's Complaint is **DISMISSED**;

(3) The Defendant's Motion to Dismiss (Doc. 15) is **DISMISSED** as moot; and

(4) The Clerk of Court is directed to **CLOSE** this case and to forward a copy of this Memorandum and Order to the Magistrate Judge.



Edwin M. Kosik  
United States District Judge